

Resolution No. ____ RESOLUTION: To establish a fee to be paid in lieu of providing public use space on site in conjunction with any development or redevelopment projects in all Mixed-Use Zones

WHEREAS, on December 15, 2008, the Mayor and Council adopted Ordinance No. 19-08, which comprehensively revised Chapter 25 of the Rockville City Code entitled “Zoning;” and

WHEREAS, Section 25.13.05 of the revised Zoning Ordinance requires that in all Mixed-Use Zones a minimum of 20% of a development site be used for public use space; and

WHEREAS, Section 25.17.01.d.2 of the revised Zoning Ordinance provides for the establishment by resolution of the Mayor and Council of a fee to be paid in lieu of providing some or all of the required public use space on-site; and

WHEREAS, the Mayor and Council desires to establish a fee to be paid in lieu of providing public use space on-site in connection with developments in all Mixed-Use Zones; and

WHEREAS, the Mayor and Council desires that the Fee in Lieu shall consist of an amount representing the one-half the value of that portion of the required public use space that will not be provided on the development site and an amount representing a contribution to the cost of improvements to public use space in the City; and

WHEREAS, the accumulation of the Fee in Lieu payments will enhance the City of Rockville’s ability to provide and improve public use space throughout the City in order to preserve and enrich the character and environment of the community and alleviate the austerity of increased urbanization.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, as follows:

SECTION 1. That for purposes of this Resolution:

- A. The term “development” includes the term “redevelopment;”
- B. The term “Fee in Lieu” refers to the money to be paid in lieu of providing some or all of the required public use space on-site;
- C. The term “Fee in Lieu Property” refers to that portion of the required public use space for which a Fee in Lieu is paid instead of providing public use space on-site;
- D. The term “Property Assessment” refers to the most recent full assessment of the entire development site issued by the State Department of Assessments and Taxation;
- E. The term “Square Footage Rate” refers to the dollar amount paid per square foot of the Fee in Lieu Property as set forth in this Resolution.

SECTION 2. That pursuant to Section 25.17.01.d.2 of the revised Zoning Ordinance, a Fee in Lieu is established for development in all Mixed-Use Zones as follows:

- A. The Fee in Lieu is the sum of; (1) multiplying the Property Assessment by the percentage of square footage that is designated as the Fee in Lieu Property; plus (2) multiplying the square footage, or portion thereof, of the Fee in Lieu Property by the Square Footage Rate.
- B. The Square Footage Rate for fiscal year 2010 is \$3.00 per square foot of the Fee in Lieu Property. Such rate shall automatically adjust annually thereafter to reflect the increase or decrease in the Builder’s Cost Index (BCI), as published by Engineering News Record, published by McGraw Hill Companies.
- C. For the purpose of example only, if an owner had a Property Assessment of \$1,000,000, he wants to pay a Fee in Lieu for 15% of the development site (he plans to provide 5% public use space on site), the Fee in Lieu Property is 10,000 square feet and the Square

Footage Rate is \$3.00, the calculation is as follows: $(\$1,000,000 \times 15\%) + (10,000 \times \$3.00) = \$180,000$.

SECTION 3. That the Fee in Lieu shall be paid at the time of issuance of the first building permit for the approved development site.

SECTION 4. The City shall establish a separate account for Fee in Lieu payments. The revenue from this account will be used for the purpose of acquiring and/or improving public use space in the City. Revenues from this account must not be used for routine park maintenance activities.

SECTION 4. That this Resolution shall become effective on the date on which it is adopted.

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I hereby certify that the foregoing is a true and correct copy
of a Resolution adopted by the Mayor and Council at its
meeting of

Claire F. Funkhouser, CMC, City Clerk